

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR ROUSE, *et al.*,

Plaintiffs,

CIVIL CASE NO. 06-10961

v.

PATRICIA CARUSO, *et al.*,

Defendants.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

ORDER

This is a *pro se*, putative class action under 42 U.S.C. §1983 in which Plaintiffs have named numerous prison officials as Defendants. On January 24, 2007, Magistrate Judge Paul Komives' concluded that this suit involved factually complex allegations and therefore granted, in part, Plaintiffs' motion to appoint counsel. *See* Order (Jan. 24, 2007) [docket entry #51]. The granting of counsel was conditioned upon the Court locating a *pro bono* attorney willing to represent plaintiffs in this matter. *Id.*

Since that order, individual Plaintiffs have continued to file numerous motions, purportedly on behalf of the putative class. These motions were filed by individual *pro se* Plaintiffs Rouse and Hoffman, despite the Court having previously found that “*pro se* Plaintiffs Rouse and Hoffman could not ‘fairly and adequately protect the interests of the class.’ ” Order (Mar. 23, 3007) (Gadola, J.) (citing Report and Recommendation, p. 4 (Jan. 24, 2007) [docket entry #49] (citing Fed. R. Civ. P. 23(a)(4))). Such actions by individual Plaintiffs, undertaken while the Court tries to secure class counsel, have only further complicated this litigation. Additionally, the status of several of the alleged Plaintiffs has been called into doubt by court filings that have been repeatedly returned as

undeliverable from the institutions listed as their addresses of record. *See* Docket Entries # 72-74, 93-95, 102, 106-108, 115. Finally, certain individual plaintiffs have now objected to filings made by other plaintiffs. *See, e.g.*, Motion for Order to Remove Misjoined Plaintiffs; Motion to Ratify Title of Action with Substitution of the Real Party in Interest and/or Request to be Held Harmless and Released of Liability (May 14, 2007) [Docket Entry #114]. All of these circumstances have only further complicated the already complex allegations.

Therefore, because the Court has granted Plaintiffs' motion to appoint counsel that can adequately and fairly represent all Plaintiffs potentially involved in this matter, and because the Court is currently seeking *pro bono* counsel, the Court will stay this cause of action without prejudice to any party. Once counsel has been secured, or the Court has otherwise made a determination that class counsel cannot be secured, the stay will be lifted. Until such time, all parties will be enjoined from filing any further motions.

ACCORDINGLY, IT IS HEREBY ORDERED that this cause of action is **STAYED**, **without prejudice** to any party. The action is stayed until such time as *pro bono* counsel is secured, or until the Court has made a determination that *pro bono* counsel cannot be secured by the Court.

IT IS FURTHER ORDERED that **all parties** are **ENJOINED** from filing any motion until such time as the stay is lifted. Responses to any currently pending motions should otherwise be filed in accordance with the applicable procedural rules.

SO ORDERED.

Dated: May 22, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 22, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Cori E. Barkman; A. Peter Govochin, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Richard Boone, II; Erick DeForest; Hilton Evans; Danny Fritts; Terry George; Claude Hoffman; Michael Kanipe; Michael Lake; Antonio Manning; Robert McMurray; Tony Pellin; Arthur Rouse; Loren Walker.

s/Ruth A. Brissaud
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